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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 SUIHUAN CAO,

12 Petitioner,

13 vs.

14 MICHAEL CHERTOFF, et al.,

15 Respondents.
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CASE NO. 08cv0511 DMS (BLM)

**ORDER REQUIRING
RESPONSE FROM
GOVERNMENT AND
GRANTING PETITIONER'S
REQUEST FOR
APPOINTMENT OF COUNSEL**

17 On March 19, 2008, Petitioner Suihuan Cao, a detainee in the custody of the Department of
18 Homeland Security, Bureau of Immigration and Customs Enforcement, proceeding pro se, filed a
19 Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and a motion for appointment of
20 counsel.

21 Pursuant to 28 U.S.C. 3006A(a)(2), the district court may appoint counsel for financially
22 eligible petitioners seeking relief under 28 U.S.C. § 2241 when the interests of justice so require. The
23 court considers whether there is a likelihood of success on the merits of the petition and whether the
24 unrepresented petitioner has the ability to articulate his claims in light of the complexity of the issues
25 presented. *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

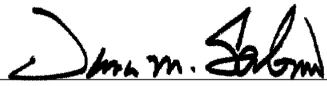
26 The Supreme Court has held that a post-removal detention exceeding six months is
27 presumptively unreasonable. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Petitioner's claim that he
28 has been detained for nine months following a removability determination, if true, triggers the

1 *Zadvydas* presumption, which indicates a strong likelihood of success on the merits of a complex
2 petition. *See United States v. Ahumada-Aguilar*, 295 F.3d 943, 950 (9th Cir. 2002) (“[w]ith only a
3 small degree of hyperbole, the immigration laws have been deemed second only to the Internal revenue
4 Code in complexity.”) Accordingly, the Court grants Petitioner’s motion to appoint counsel and
5 appoints Federal Defenders, Inc. as Petitioner’s counsel in this case.

6 The United States Attorney shall file and serve a response to the petition no later than April
7 21, 2008. The Government’s response shall include all documents relevant to the issues raised in the
8 petition. Should Petitioner wish to reply to the Government’s response, he shall do so no later than
9 May 19, 2008.

10 **IT IS SO ORDERED.**

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12 DATED: March 21, 2008

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15 HON. DANA M. SABRAW
16 United States District Judge
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